IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 10714 of 2000

Between:

M.Narsimha Reddy, S/o Sidda Reddy,
Marrimakulapalle Village, Gurramkonda Mandal, Chittoor District.

..... PETITIONER

AND

1 The District Collector, Chittoor, Chittoor District .
2 The Joint Collector, Chittoor, Chittoor District.
3 The Revenue Divisional Officer,
Madanapalle, Chittoor District.
4 The Mandal Revenue Officer,
Gurram Konda Mandal, Chittoor District.
5 L, Radha Devi, S/o Athma Reddy,
R/o Singamvaripalle, Gurramkonda Mandal, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus directing the respondents to appoint the petitioner as F.P.Shop Dealer of Marrimakulapalle Village, Gurramkonda Mandal, Chittoor District by declaring the proceedings of the 1st Respondent dt. 27/12/1999 in D.Dis(S1)4945/99 in so far as ordering fresh notification as illegal, unjust arbitrary and not maintainable under law.

Counsel for the Petitioner: MR.S.V.MUNI REDDY

Counsel for the Respondent Nos.1 to 4: GP FOR CIVIL SUPPLIES

The Court made the following :

O R D E R :

The dispute in this writ petition is in relation to the appointment of the fifth respondent as Fair Price Shop Dealer of Marrimakulapalle Village, Gurramkonda Mandal, Chittoor District. Initially, one Sri P.Subba Reddy was appointed as dealer of the said Fair Price Shop. On his demise on 3-4-1999, a vacancy arose, and therefore, the third respondent issued a Notification on
18-5-1999 inviting applications from the eligible candidates for appointment of Fair Price Shop Dealer. The petitioner herein as well as the fifth respondent and others appeared for interview on 24-5-1999 and the fifth respondent was selected as Fair Price Shop Dealer.

Aggrieved by the orders of the third respondent, appointing the fifth respondent as Fair Price Shop Dealer, the petitioner preferred an appeal under Clause 17(1) of the Andhra Pradesh Schedule Commodities (Regulation of Distribution by Card System) Order, 1973 (hereafter called 'the Control Order'). By order
dated 3-11-1999 the Joint Collector, Chittoor, second respondent herein; set aside the appointment of the fifth respondent and further directed the third respondent to conduct fresh selections for appointment of the Fair Price Shop Dealer. Aggrieved by the same the petitioner herein again carried the matter to the first respondent under Clause 18 of the Control Order, by way of revision, who by order dated 27-12-1999 affirmed the order of the appellate authority. Aggrieved by the same, the present writ petition is filed.

Sri S.V.Muni Reddy, learned counsel for the petitioner, submits that when the appointment of the fifth respondent was set aside by the appellate authority as well

as the revisional authority on the ground that she is disqualified being related to the Village Administrative Officer, it was incumbent to appoint the petitioner, who is the appellant/revision petitioner, as Fair Price Shop Dealer. In not doing so, the learned counsel would urge that respondents 1 and 2 have committed grave irregularity.

The submission of the learned counsel is wholly misconceived. Clause 17 of the Control Order mandates that the appellate authority may pass such order as that authority may deem fit. Whenever an appeal is allowed, it does not mean that the appellant should be appointed as Fair Price Shop Dealer in place of the selectee. In ordering for fresh selection, the first respondent as well as the second respondent have not committed any irregularity and this writ petition is misconceived.

It is also submitted by the learned counsel for the petitioner that the fifth respondent also filed a writ petition aggrieved by the order of the Joint Collector and the same is pending. He further submits that by reason of the interim order passed by a Division Bench of this Court, the fifth respondent is continuing as Fair Price Shop Dealer. It is for the Government to pursue the said case and the same has no bearing insofar as this case is concerned.

The writ petition is devoid of any merit and accordingly dismissed. No costs.

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(V.V.S. RAO, J.)

07-06-2005.

Msr.

To

1 The District Collector, Chittoor, Chittoor District .
2 The Joint Collector, Chittoor, Chittoor District.
3 The Revenue Divisional Officer,
Madanapalle, Chittoor District.

4 The Mandal Revenue Officer,
Gurram Konda Mandal, Chittoor District.
5. 2 CCs copies to Government Pleader for Civil Supplies,

High Court Buildings, Hyderabad.

6. 2 CD copies.

HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.10714 of 2000

07-06-2005

(Msr)